

REMARKS

This Amendment is in response to the Office Action of October 4, 2007, in which claims 1-23 were rejected. With this Amendment, the specification has been amended, and a Terminal Disclaimer has been submitted. Claims 1-23 remain in the application, are presented for reconsideration and allowance.

In paragraph 2 of the Office Action, it was noted that the continuation data on page one of the specification needed to be updated. With this Amendment, the first paragraph of page one has been amended to reflect that the two co-pending applications referred to are now U.S. Patents 6,615,639 and 6,595,523, respectively.

In paragraph 4 of the Office Action, claims 1-6 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the Office Action stated that claim 1, line 10 has no antecedent basis for the phrase "that deterioration". Reconsideration and withdrawal of the rejection under 35 U.S.C. §112 is requested.

When read in context, the word "that" belongs in the phrase "such that" which has a meaning similar to "so that" or "whereby". In context, the language in claim 1 reads "such that deterioration of the seal body beyond the specified depth causes a change in the optical conductor". Read in context, the phrase "that deterioration" is not referring to a previously mentioned "determination", but rather is a part of the phrase "such that deterioration"

Claims 1-6 are not indefinite when the language in line 10 claim 1 is read in proper context. The rejection under 35 U.S.C. §112, second paragraph, should be withdrawn.

In paragraph 6, claims 1, 4, 7, 9, 11, 13, 15, 16 and 18 were rejected on the ground of non-statutory obviousness type double-patenting over claims 1-12 of U.S. Patent 6,595,523. In paragraph 7, claims 1, 4, 7, 9, 11, 13, 15, 16 and 18 were rejected on the ground of non-statutory obviousness type double-patenting over claims 1-16 of U.S. Patent 6,615,639.

Accompanying this Amendment is a Terminal Disclaimer. As a result, the rejections stated in paragraphs 6 and 7 of the Office Action based upon non-statutory obviousness type double-patenting have been overcome and should be withdrawn.

Paragraphs 8 and 9 state further rejections based on the ground of non-statutory obviousness type double-patenting. In paragraph 8, claims 3, 6, 8, 10, 12, 14, 17 and 19-23 are rejected based upon claims 1-12 of U.S. Patent 6,595,523 in view of Cohen U.S. Patent 6,080,982. In paragraph 9, claims 2, 3, 5, 6, 8, 10, 12, 14, 17, and 19-23 are rejected over claims 1-16 of U.S. Patent 6,615,639 in view of Cohen.

With the submission of the Terminal Disclaimer discussed above, the rejections stated in paragraphs 8 and 9 have also been overcome. Those rejections should be withdrawn.

In conclusion, the present Amendment, together with the Terminal Disclaimer, have placed this application in condition for allowance. Notice to that effect is requested.


Respectfully submitted,

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12/3/07

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